

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.



84TH CONGRESS
1ST SESSION

H. R. 7035

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1955

Mr. KILGORE introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To amend section 1 of the Act entitled "An Act to authorize relief of accountable officers of the Government, and for other purposes", approved August 1, 1947 (61 Stat. 720).

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 1 of the Act entitled "An Act to authorize relief
4 of accountable officers of the Government, and for other
5 purposes", approved August 1, 1947 (61 Stat. 720, 31
6 U. S. C. 82a-1), is hereby amended to read as follows:

7 "The General Accounting Office is authorized, after
8 consideration of the pertinent findings and if in concurrence
9 with the determinations and recommendations of the head of
10 the department or independent establishment concerned, to

1 relieve any disbursing or other accountable officer or agent
2 or former disbursing or other accountable officer or agent of
3 any such department or independent establishment of the
4 Government charged with responsibility on account of physi-
5 cal loss or deficiency of Government funds, vouchers, records,
6 checks, securities, or papers in his charge, or to authorize
7 the reimbursement, from any appropriation or fund available
8 for purposes of the activity in which the loss or deficiency
9 occurred, of amounts paid subsequent to August 1, 1947,
10 by or on behalf of the officer or agent in restitution of the
11 loss or deficiency, if the head of the department or independ-
12 ent establishment determines (1) that such loss or deficiency
13 occurred while such officer or agent was acting in the dis-
14 charge of his official duties, or that such loss or deficiency
15 occurred by reason of the act or omission of a subordinate
16 of such officer or agent; and (2) that such loss or deficiency
17 occurred without fault or negligence on the part of such
18 officer or agent. This Act shall be applicable only to the
19 actual physical loss or deficiency of Government funds,
20 vouchers, records, checks, securities, or papers, and shall
21 not include deficiencies in the accounts of such officers or
22 agents resulting from illegal or erroneous payments. When-
23 ever it is necessary in the opinion of the Comptroller Gen-
24 eral to restore or otherwise adjust the account of any dis-
25 bursing or accountable officer or agent or former disbursing

1 or other accountable officer for relief heretofore or hereafter
2 granted under this Act, the amount of such relief shall, unless
3 another appropriation is specifically provided therefor, be
4 charged to the appropriation or fund available for the ex-
5 pense of the disbursing or other accountable function at the
6 time the adjustment is effected.”

A BILL

To amend section 1 of the Act entitled "An Act to authorize relief of accountable officers of the Government, and for other purposes", approved August 1, 1947 (61 Stat. 720).

By Mr. KILGORE

JUNE 27, 1955

Referred to the Committee on Government Operations

RELIEF OF ACCOUNTABLE OFFICERS OF THE GOVERNMENT

JUNE 29, 1955.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DAWSON of Illinois, from the Committee on Government Operations, submitted the following

R E P O R T

[To accompany H. R. 7035]

The Committee on Government Operations, to whom was referred the bill (H. R. 7035) to amend section 1 of the act entitled "An act to authorize relief of accountable officers of the Government, and for other purposes," approved August 1, 1947 (61 Stat. 720), having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

The act of August 1, 1947, authorizes the Comptroller General to relieve any disbursing or other accountable officer charged with responsibility on account of physical loss or deficiency of Government funds, vouchers, records, checks, securities, or papers in his charge. This authority extends only to actual physical loss of Government funds or documents. It does not relieve the Government officer involved from responsibility or liability for discrepancy in his accounts due to illegal, improper, or incorrect payments made by him for which he is accountable. The act requires that the loss or deficiency shall have occurred while the officer was acting in the discharge of his official duties, or that such loss or deficiency occurred by reason of the act or omission of a subordinate of such officer. Furthermore, the act requires that the loss or deficiency shall have occurred without fault or negligence on the part of the officer or agent.

H. R. 7035 does not change any of these provisions of existing law. Certain inequities have arisen, however, as a result of the administration of the act of August 1, 1947. This is so because the Comptroller General has held in 27 Comptroller General 440 and several subsequent decisions that the act has no application where an em-

ployee, or someone in his behalf, has made restitution for a deficiency in an account, since in such case the restitution legally removes any deficiency in the account. Thus, disbursing or other accountable officers, or those who pay on their behalf, who make good physical losses of funds or Government securities out of their own pockets are penalized in the sense that there is no legal method of reimbursing them without enactment of relief bills to take care of individual cases.

H. R. 7035 would remedy these inequities by authorizing the Comptroller General to authorize reimbursement from available appropriations or funds of disbursing or other accountable officers or agents for amounts paid by them or in their behalf in restitution of an actual physical loss or deficiency. This would apply to amounts paid by or on behalf of such officers since August 1, 1947, the date of existing law now authorizing relief but not reimbursement.

The executive agencies who reported on this legislation at the request of your committee urge the adoption of the legislation. It was also pointed out that the enactment of this legislation will eliminate the need for relief bills for individual officers and employees.

The Comptroller General in letters of April 14 and June 7, 1955, recommended favorable consideration of this legislation. He pointed out that the effect of this legislation would be to extend to those officers who had balanced their accounts by the use of their personal funds, the same consideration which presently is given to those who have not made restitution. The Comptroller General also stressed that this legislation would eliminate the need for private relief bills in cases where, if restitution would not have been made, relief would have been granted under the act of August 1, 1947. Following the recommendations of the Comptroller General, the bill contains language (a) to permit refunds of amounts paid for on behalf of an officer or agent by a person other than the officer or agent personally as, for example, where the amounts are paid by a surety, or where a collection is effected from the estate or final salary of a decedent; (b) to authorize proper refunds paid before as well as after the enactment of the bill where relief otherwise would be allowable under the act of August 1, 1947; (c) to permit adjustments in the accounts of disbursing or other accountable officers as to items for which relief is allowed under the act of August 1, 1947, in those cases where it is necessary to restore the amounts to the accounts of the disbursing officer.

COST OF PROPOSED LEGISLATION

There should be no additional cost occasioned by this legislation. In fact, some economy should result. This is so because in the past private relief bills have been enacted which have required an additional outlay. Under the procedure authorized by H. R. 7035 an existing appropriation or fund will be charged. No new appropriation by the Congress will be required. In the exercise of the authority granted by this legislation, the Comptroller General will continue to be guided by a scrupulous regard for the criteria which have been the basis of his recommendations to the Congress in the past.

It is not possible to estimate with preciseness the future refunds which will result from actual physical loss of public funds, vouchers, records, checks, securities, or papers. In any event, the amount of

actual cash involved is small. At present, for example, a deficiency of approximately \$12,700 remains in the accounts of the accountable officers of the Treasury Department even though they are no longer personally liable for the deficiency.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 1 OF ACT OF AUGUST 1, 1947

(61 Stat. 720, 31 U. S. C. 82a-1)

The General Accounting Office is authorized, after consideration of the pertinent findings and if in concurrence with the determinations and recommendations of the head of the department or independent establishment concerned, to relieve any disbursing or other accountable officer or agent or former disbursing or other accountable officer or agent of any such department or independent establishment of the Government charged with responsibility on account of physical loss or deficiency of Government funds, vouchers, records, checks, securities, or papers in his charge, *or to authorize the reimbursement, from any appropriation or fund available for purposes of the activity in which the loss or deficiency occurred, of amounts paid subsequent to August 1, 1947, by or on behalf of the officer or agent in restitution of the loss or deficiency,* if the head of the department or independent establishment determines (1) that such loss or deficiency occurred while such officer or agent was acting in the discharge of his official duties, or that such loss or deficiency occurred by reason of the act or omission of a subordinate of such officer or agent; and (2) that such loss or deficiency occurred without fault or negligence on the part of such officer or agent. This Act shall be applicable only to the actual physical loss or deficiency of Government funds, vouchers, records, checks, securities, or papers, and shall not include deficiencies in the accounts of such officers or agents resulting from illegal or erroneous payments. *Whenever it is necessary in the opinion of the Comptroller General to restore or otherwise adjust the account of any disbursing or accountable officer or agent or former disbursing or other accountable officer for relief heretofore or hereafter granted under this act, the amount of such relief shall, unless another appropriation is specifically provided therefor, be charged to the appropriation or fund available for the expense of the disbursing or other accountable function at the time the adjustment is effected.*



Union Calendar No. 291

84TH CONGRESS
1ST SESSION

H. R. 7035

[Report No. 997]

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1955

Mr. KILGORE introduced the following bill; which was referred to the Committee on Government Operations

JUNE 29, 1955

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend section 1 of the Act entitled "An Act to authorize relief of accountable officers of the Government, and for other purposes", approved August 1, 1947 (61 Stat. 720).

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 1 of the Act entitled "An Act to authorize relief
4 of accountable officers of the Government, and for other
5 purposes", approved August 1, 1947 (61 Stat. 720, 31
6 U. S. C. 82a-1), is hereby amended to read as follows:
7 "The General Accounting Office is authorized, after
8 consideration of the pertinent findings and if in concurrence
9 with the determinations and recommendations of the head of
10 the department or independent establishment concerned, to

1 relieve any disbursing or other accountable officer or agent
2 or former disbursing or other accountable officer or agent of
3 any such department or independent establishment of the
4 Government charged with responsibility on account of physi-
5 cal loss or deficiency of Government funds, vouchers, records,
6 checks, securities, or papers in his charge, or to authorize
7 the reimbursement, from any appropriation or fund available
8 for purposes of the activity in which the loss or deficiency
9 occurred, of amounts paid subsequent to August 1, 1947,
10 by or on behalf of the officer or agent in restitution of the
11 loss or deficiency, if the head of the department or independ-
12 ent establishment determines (1) that such loss or deficiency
13 occurred while such officer or agent was acting in the dis-
14 charge of his official duties, or that such loss or deficiency
15 occurred by reason of the act or omission of a subordinate
16 of such officer or agent; and (2) that such loss or deficiency
17 occurred without fault or negligence on the part of such
18 officer or agent. This Act shall be applicable only to the
19 actual physical loss or deficiency of Government funds,
20 vouchers, records, checks, securities, or papers, and shall
21 not include deficiencies in the accounts of such officers or
22 agents resulting from illegal or erroneous payments. When-
23 ever it is necessary in the opinion of the Comptroller Gen-
24 eral to restore or otherwise adjust the account of any dis-
25 bursing or accountable officer or agent or former disbursing

1 or other accountable officer for relief heretofore or hereafter
2 granted under this Act, the amount of such relief shall, unless
3 another appropriation is specifically provided therefor, be
4 charged to the appropriation or fund available for the ex-
5 pense of the disbursing or other accountable function at the
6 time the adjustment is effected.”

84TH CONGRESS
1ST SESSION

H. R. 7035

[Report No. 997]

A BILL

To amend section 1 of the Act entitled "An Act to authorize relief of accountable officers of the Government, and for other purposes", approved August 1, 1947 (61 Stat. 720).

By Mr. KILGORE

JUNE 27, 1955

Referred to the Committee on Government Operations

JUNE 29, 1955

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued July 8, 1955
For actions of July 7, 1955
84th-1st, No. 115

CONTENTS

Accounting.....11,17,30	Foreign trade...3,13,31,40	Public works.....1,42
Adjournment.....12,25	Forestry.....5,10,14,28	Reclamation.....7,16,22,37
Appropriations...1,8,24,43	Immigration.....36	Retirement.....4
Bankruptcy.....15	Lands.....29	Roads.....33
Budget.....17	Legislative program.....8	Social security.....8
Buildings.....19	Loans.....41	State service.....4
CEA.....13	farm.....13	Surplus commodities.....1
Contracts.....27	Marketing.....41	Textiles.....35
Dairy industry.....34	Minerals.....8	Tobacco.....13
Defense production...18,25	Minimum wage.....8,27	Trade agreements.....3
Electrification.....22,37	Mining.....5	Transportation.....9,38
Farm credit.....8	Onions.....13	Veterans' benefits.....8
Farm program.....32	Organization.....6	Water.....20
Food and drugs.....21	Personnel.....4,23,26	Weather.....13
Foreign aid.....2,8,39	Price supports.....13	Wheat.....9,38

HIGHLIGHTS: Senate committee reported bills to increase funds for Public Law 480 and transfer its administration to USDA; include onions under CEA; amend Farm Tenant Act; provide for USDA report on tobacco research program; request USDA report on tobacco research program; request USDA report on agricultural weather forecasting. Both Houses agreed to conference report on mutual security bill. House committee ordered reported bill to provide retirement credit for certain State service. House received conference report on public works appropriation bill.

HOUSE

- 1. APPROPRIATIONS.** Received the conference report on H. R. 6766, the public works appropriation bill, which includes funds for the Atomic Energy Commission, the Tennessee Valley Authority, certain functions of the Interior Department, and certain civil functions of the Army (H. Rept. 1085) (p. 8678-83).
Received and agreed to the conference report on H. R. 6829, to authorize certain construction at military, naval, and Air Force installations, including a provision for financing certain military housing by furnishing surplus agricultural commodities (H. Rept. 1083) (pp. 8661-71).
- 2. FOREIGN AID.** Both Houses agreed to the conference report on S 2090, the mutual security aid bill (pp. 8633-5, 8656-9). This bill is now ready for the President. See Digest 114 for statement.
- 3. FOREIGN TRADE.** Passed as reported H. R. 6059, the bill to revise the Philippine Trade Agreements Act (pp. 8648-54).
- 4. PERSONNEL.** The Post Office and Civil Service Committee ordered reported the following bills: H. R. 6590, to prohibit Federal employment to disloyal persons or to those who believe in the right to strike against the Federal

Government; S. 1041, to include certain State service in computation of accrued service toward annuity; S. 1792, to amend the Federal Employees Group Life Insurance Act, regarding assumption of funds of non-profit association of Federal employees (p. D676).

The Post Office and Civil Service Committee recommended that a resolution be introduced giving the committee authority to investigate postal and civil-service matters under its jurisdiction (p. D676).

5. MINING; FORESTS. The Rules Committee reported a resolution waiving points of order and providing for debate on H. R. 6373, to extend programs to encourage the discovery, development, and production of certain domestic minerals (p. 8659).
6. ORGANIZATION. Rep. Reece inserted the statement of Mr. Hoover on June 30, 1955 which marked the end of his chairmanship of the Hoover Commission (pp. 8677-8).
7. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 4308, for the relief of desert land entrymen whose entries are dependent upon percolating waters for reclamation (H. Rept. 1084) (p. 8684).
8. LEGISLATIVE PROGRAM. The "Daily Digest" states that the House program will be as follows: "Mon., July 11, the mutual security appropriation bill; Tues., July 12, the Farm Credit Act of 1955; Wed., July 13 and balance of the week, minimum wage bill, Social Security Act amendments for 1955, H. R. 6373, extension of Domestic Minerals Program Act of 1953, and H. R. 7089, the Servicemen's and Veterans' Survivor Benefits Act." (p. D677).
9. WHEAT TRANSPORTATION. Rep. Cannon deplored the shortage of transportation facilities for the new wheat crop and suggested that the Department not ship old grain during the period when the new crop is being prepared for shipment (p. 8471, July 5).
10. FORESTRY. Passed as reported H. R. 605, which would abolish the 80-rod reservation of public ownership between public land claims located on shore waters in Alaska (pp. 8489-90, July 5).
11. ACCOUNTING. As reported (June 29), H. R. 7035 authorizes the Comptroller General to authorize reimbursement from available appropriations or funds of disbursing or other accountable officers or agents for amounts paid by them or in their behalf in restitution of an actual physical loss or deficiency. This would apply to amounts paid by or on behalf of such officers since August 1, 1947, the date of the existing law now authorizing relief but not reimbursement.
As reported (June 29), H. R. 7034 authorizes the Comptroller General to relieve a disbursing officer of accountability and responsibility, and to allow credit in his official disbursing accounts for a deficiency, when it has been determined that such payments were not the result of bad faith or lack of due care on the part of such disbursing officer for whom relief is sought. It further provides that relief may be denied in any case in which the Comptroller General determines that the department or agency concerned has not diligently pursued collection action in accordance with procedures prescribed by the Comptroller General.
12. ADJOURNED until Mon., July 11 (p. 8684).

July 18, 1955

"Federal Aid to Agriculture," "The Administrative and Fiscal Impact of Federal Grants-in-Aid," "Civil Defense and Urban Vulnerability," "Federal Responsibility in the Field of Education," "The Impact of Federal Grants-in-Aid on the Structure and Functions of State and Local Governments," "Federal Aid to Welfare," "Local Government," and "Unemployment Compensation and Employment Service." The regular departmental supply of these publications is being obtained directly from the Government Printing Office by the agencies of the Department, and copies are generally not available from this office.

This office has obtained some additional copies of the final report of the entire Commission on Intergovernmental Relations, which was ordered printed as a congressional document. These copies are available, for official purposes, by calling Ext. 4654 or sending to Room 105A.

14. TOBACCO. The Agriculture Committee on Fri., July 15, ordered the following bills reported: H. R. 6845, to amend the Agricultural Adjustment Act relating to national marketing quota for tobacco; and H. R. 6846, amended, and H. R. 6847, amending the Agricultural Act regarding tobacco allotments (pp. D723-4).
15. FARM LOANS. The Agriculture Committee ordered reported on Fri., July 15, H. R. 6914, to amend the Bankhead-Jones Farm Tenant Act, to modify, clarify, and provide additional authority for insurance of loans (p. D724).
16. RICE. The Agriculture Committee ordered reported on Fri., July 15, H. R. 7302, to amend the rice marketing quota provisions of the Agricultural Adjustment Act of 1938 (p. D724).
17. FARM-CITY WEEK. Subcommittee Number 4 of the Judiciary Committee on Fri., July 15, reported to the full committee H. J. Res. 317, to designate the last week of October of each year as National Farm-City Week (p. D725).
18. PERSONNEL. Reps. Davis, Ga., and Cunningham discussed the status of S. 1041, to provide for the inclusion in computation of accredited service of certain State service in retirement provisions, and it was passed over without prejudice (p. 9267).
Rep. Ford requested and it was agreed that S. 1792, to amend the Federal Employees' Group Life Insurance Act of 1954, be passed over without prejudice (p. 9267).
Passed as reported H. R. 6590, prohibiting the Federal employment of disloyal persons (pp. 9270-1).
19. SOCIAL SECURITY. Passed with amendments H. R. 7225, to amend the Social Security Act (pp. 9273-9304). The bill amends the old-age and survivors' insurance system to provide monthly benefits for disabled insured individuals who have attained age 50, a reduction in the benefit eligibility age for women to 62 years, continued monthly benefits for disabled children after they attain age 18, expanded old-age and survivors' insurance coverage, and an adjusted contribution schedule. The bill clarifies the status under old-age and survivors' insurance of individuals who operate farms with the owners or tenants of those farms, under share-farming arrangements, by specifying that these individuals are not employees but are self-employed. It also provides that the exclusion from self-employment earnings of rentals from real estate would not apply to any income derived by an owner or tenant of land from the operation of a farm by another individual under an arrangement which provided for material participation by the owner or tenant in the farm production. It extends coverage to an estimated 20,000 agricultural workers engaged in the production of turpentine and gum naval stores.

20. MINIMUM WAGE. The Rules Committee reported a resolution for debate on and consideration of H. R. 7214, to amend the Fair Labor Standards Act to provide for an increase to \$1 per hour in the minimum wage (p. 9319).
21. PENALTY MAIL. Passed without amendment H. R. 5856, repealing the requirement for heads of departments and agencies to report to the Postmaster General the number of penalty envelopes and wrappers on hand at the close of each fiscal year (p. 9267).
22. ACCOUNTING OFFICERS. Passed without amendment H. R. 7035, authorizing the GAO to provide for relief of an accounting officer for loss of physical property upon determination of the pertinent facts (p. 9262).
23. DISBURSING OFFICERS. Passed without amendment H. R. 7034, authorizing the Comptroller General or his designate to provide relief for disbursing officers for loss of funds upon determination of the pertinent facts (pp. 9262-3).
24. RECLAMATION; ELECTRIFICATION. Reps. Hosmer and Sheppard spoke in opposition to the proposed construction of the upper Colorado River project (pp. 9233-4, 9329-30).
25. HIGHWAYS. The Public Works Committee approved on Fri., July 15, for reporting H. R. 7072, the Federal-aid highway construction bill. The "Daily Digest" states "A clean bill is scheduled to be reported tomorrow (Tues., July 19), which will supersede H. R. 7072 (p. D725).
26. FAO. Received a draft of proposed legislation from the Acting Secretary of State "to amend certain laws providing for membership and participation by the United States in the Food and Agriculture Organization and the International Labor Organization and authorizing appropriations therefor;" referred to the Foreign Affairs Committee (p. 9338).
- AIRPORTS.
27. Passed as reported S. 1855, authorizing the Secretary of Commerce to make grants under the Federal Airport Act, annual contract authority in the amount of \$63 million for each of the fiscal years 1956, 1957, 1958, and 1959 (pp. 9304-11). The Federal Airport Act provides for an integrated national system of airports for air commerce, including "agricultural flying" and further provides that the Secretary of Commerce shall use such authorized funds for projects in "national forests" if deemed appropriate for "carrying out the national airport plan."

SENATE

28. LANDS. The Interior and Insular Affairs Committee reported without amendment H. R. 4894, which would repeal certain obsolete laws relating to disposals of land under the timber and stone laws (S. Rept. 875) (p. 9156).
29. CONTRACTS. Agreed to the conference report on H. R. 4904, to extend the Renegotiation Act of 1951 for two years (pp. 9184-5).
30. DEFENSE PRODUCTION. Sen. Kilgore submitted an amendment he intends to propose to S. 2391, the defense production bill (p. 9159).
31. PAPERWORK. Received from the Hoover Commission part 2 of its task force report on the Nation's Paperwork for Government an Experiment; to Government Operations Committee (p. 9154).

Statutes at Large						U. S. Code	
Date	Chapter	Title	Section	Volume	Page	Title	Section
1950—Mar. 16.....	61	-----	3, 6	64	20, 22	21	331, 342, 347, 347a, 347b
1951—Oct. 26.....	578	-----	1, 2, 3	65	648, 649	21	333, 333 note, 353, 353 note
Oct. 30.....	637	-----	1, 2	65	693, 694	21	114a, 114a-1
Nov. 2.....	666	-----	1	65	767, 768	21	174
1953—Aug. 5.....	334	-----	1, 2	67	389	21	352, 357
Aug. 7.....	350	-----	1, 2, 3	67	476, 477	21	331, 334, 374
Aug. 8.....	381	-----	-----	67	493, 494	21	114a
Do.....	394	-----	8	67	506	21	171
1954—Apr. 15.....	143	-----	1, 2	68	54, 55	21	341, 371
July 22.....	558	-----	32, 33	68	510	21	104, 111
Do.....	559	-----	1, 2, 3, 4, 5	68	511	21	321, 342, 342 note, 346a, 346b
Sept. 3.....	1263	-----	37	68	1239, 1240	21	337

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a statement from the Department of Agriculture with reference to the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

(The matter referred to follows:)

The Department of Agriculture has numerous suggestions for changes in H. R. 6991 which they believe desirable to accomplish the purposes of the bill and to avoid certain problems that may arise under the present language of the bill. The Committee on the Judiciary of the House of Representatives has not had an opportunity to consider these suggestions. There is no objection to the placing of this bill on the consent calendar at this time, however, because it is understood that the Department of Agriculture and members of the staff of the House committee are to bring the Department's position to the attention of the Committee on the Judiciary of the Senate for consideration when the bill is before the Senate. In order that the record may be clear, the Department of Agriculture amendments will be submitted to the Senate Committee on the Judiciary at the proper time.

TO REVISE, CODIFY, AND ENACT INTO LAW TITLE 10 OF THE UNITED STATES CODE, ENTITLED "ARMED FORCES," and TITLE 32 OF THE UNITED STATES CODE, ENTITLED "NATIONAL GUARD"

The Clerk called the bill (H. R. 7049) to revise, codify, and enact into law title 10 of the United States Code, entitled "Armed Forces," and title 32 of the United States Code, entitled "National Guard."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. REES of Kansas. Mr. Speaker, I ask that this bill be passed over without prejudice.

Mr. WILLIS. Mr. Speaker, will the gentleman withhold that request?

Mr. REES of Kansas. Yes. Otherwise I should have to object to consideration of the bill. I think it should be amended.

Mr. WILLIS. Mr. Speaker, the gentleman has no objection to the bill being called up later during the day?

Mr. REES of Kansas. Yes. I feel I shall have to object to its being called up for approval. I am asking only unanimous consent that this bill be passed over without prejudice.

Mr. WILLIS. Mr. Speaker, this bill has been on the calendar for 3 weeks. I should like to talk to the gentleman before he makes his objection.

Mr. REES of Kansas. I shall be glad to do that. I should like to call to the attention of the House that this is a bill of something over 700 pages. It needs some explanation.

Mr. WILLIS. I shall be glad to explain that to the gentleman. I should be glad to do that now, if the gentleman wishes. This is a bill to codify the military law. This has been under consideration for 8 years. It has the approval of the Department of Defense, of the Secretaries of the Army, of the Navy, and of the Air Force, and of the Department of Justice, we are advised by the Committee on Armed Services. It is necessarily lengthy, but it is purely a codification of the law. It makes no changes in substantive law.

Mr. REES of Kansas. In view of just what the gentleman has said, this bill is entitled to a full and complete explanation before the House. I think these are important omissions.

Mr. WILLIS. These codification bills always come up in this fashion because of the careful screening they receive at the hands of this specially set up committee, which works in close harmony and cooperation with the departments affected, in this case the Department of Defense. As I say, it has the approval of all the agencies concerned, the Department of Justice, the Department of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force. We have advised with the committee which normally handles legislation along this line, the Committee on Armed Services. Of necessity this is a long bill, but it has been under study for all these years. We just passed a codification of the Food and Drug Act. All these bills have been considered on the floor by consent in the past. In view of the interest of the departments in this bill, I am afraid we are running short of time. That is why I hoped the gentleman might permit me to talk to him before he insists on his objection.

Mr. REES of Kansas. I shall be glad to talk with the gentleman. Mr. Speaker, I renew my request only that the bill

be passed over at this time without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ARKANSAS-MISSISSIPPI BRIDGE COMMISSION

The Clerk called the bill (H. R. 6417) to revive and reenact the act authorizing the Arkansas-Mississippi Bridge Commission, its public successors or public assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark., approved May 17, 1938.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act approved May 17, 1939, authorizing the Arkansas-Mississippi Bridge Commission, its public successors or public assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark., as amended, be and is hereby revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein referred to be commenced within 2 years and completed within 4 years from the date of approval hereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMERICAN NATIONAL RED CROSS

The Clerk called the bill (H. R. 3757) to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to donate certain property to the American National Red Cross.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, is amended by renumbering subsection (1) of section 203 as subsection "(m)" and adding subsection (1) as follows:

"(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate to the American National Red Cross, for charitable purposes, such property, which was processed, produced, or donated by the American National Red Cross, as shall have been determined to be surplus property."

With the following committee amendments:

Page 1, line 5, after "numbering", delete "subsection" and insert in lieu thereof "subsections". Make the same change after "as."

After "(1)", insert a comma and the following after the comma "(m), and (n)."

After "'(m)'", insert a comma and the following after the comma "'(n)', and '(o)', respectively."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill, S. 614.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, is amended by renumbering subsection (1) of section 203 as subsection "(m)" and adding subsection (1) as follows:

"(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate to the American National Red Cross, for charitable purposes, such property, which was processed, produced, or donated by the American National Red Cross, as shall have been determined to be surplus property."

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Page 1, line 5, strike out all after the enacting clause of the bill S. 614 and insert the provisions of the bill H. R. 3757 as amended.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 3757) was laid on the table.

RELIEF OF ACCOUNTABLE OFFICERS OF THE GOVERNMENT

The Clerk called the bill (H. R. 7035) to amend section 1 of the act entitled "An act to authorize relief of accountable officers of the Government, and for other purposes, approved August 1, 1947 (61 Stat. 720)."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SHEPPARD. Reserving the right to object, and I shall not, Mr. Speaker, I should like to have an explanation of what relief is being granted as set forth in the delineation of this bill.

Mr. KILGORE. This bill was presented to the committee at the request of numerous Government agencies, and came with the approval of the Comptroller General. It is intended to meet a situation in which after approval by the Comptroller General the Congress may now consider specific individual relief bills, but this bill gives to the Comptroller General the authority to do

that same thing without the necessity of the passage of individual relief bills on the part of the Congress.

Mr. SHEPPARD. It does not disturb the original act that has to do with the requirements and responsibilities of disbursing officers as such? It merely has to do with the relief of them if relief becomes inevitable?

Mr. KILGORE. That is correct. It deals with such situations only when there is involved a physical loss of property.

Mr. SHEPPARD. I thank the gentleman, and withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to authorize relief of accountable officers of the Government, and for other purposes," approved August 1, 1947 (61 Stat. 720, 31 U. S. C. 82a-1), is hereby amended to read as follows:

"The General Accounting Office is authorized, after consideration of the pertinent findings and if in concurrence with the determinations and recommendations of the head of the department or independent establishment concerned, to relieve any disbursing or other accountable officer or agent or former disbursing or other accountable officer or agent of any such department or independent establishment of the Government charged with responsibility on account of physical loss or deficiency of Government funds, vouchers, records, checks, securities, or papers in his charge, or to authorize the reimbursement, from any appropriation or fund available for purposes of the activity in which the loss or deficiency occurred, of amounts paid subsequent to August 1, 1947, by or on behalf of the officer or agent in restitution of the loss or deficiency, if the head of the department or independent establishment determines (1) that such loss or deficiency occurred while such officer or agent was acting in the discharge of his official duties, or that such loss or deficiency occurred by reason of the act or omission of a subordinate of such officer or agent; and (2) that such loss or deficiency occurred without fault or negligence on the part of such officer or agent. This act shall be applicable only to the actual physical loss or deficiency of Government funds, vouchers, records, checks, securities, or papers, and shall not include deficiencies in the accounts of such officers or agents resulting from illegal or erroneous payments. Whenever it is necessary in the opinion of the Comptroller General to restore or otherwise adjust the account of any disbursing or accountable officer or agent or former disbursing or other accountable officer for relief heretofore or hereafter granted under this act, the amount of such relief shall, unless another appropriation is specifically provided therefor, be charged to the appropriation or fund available for the expense of the disbursing or other accountable function at the time the adjustment is effected."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISBURSING OFFICERS

The Clerk called the bill (H. R. 7034) to provide permanent authority for the relief of certain disbursing officers, and for other purposes.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the present consideration of the bill?

Mr. SHEPPARD. Mr. Speaker, reserving the right to object, I would like an explanation as to the proposal incorporated in this bill.

Mr. KILGORE. This, sir, is a similar type bill to the one just passed dealing, however, instead of with physical losses, with an improper distribution through an incorrect interpretation of the law, but in no manner relieving the disbursing officer from his responsibility but rather permitting his reimbursement where the Comptroller General finds his action has been without culpability. The bill also contains a section dealing with the Department of Defense.

Mr. SHEPPARD. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That (a) whenever (1) any deficiency exists or occurs in the official disbursing accounts of any disbursing officer or former disbursing officer of any department, agency, or independent establishment of the Government in consequence of the making of any illegal, improper, or incorrect payment, and (2) the Comptroller General or any officer of the General Accounting Office designated by the Comptroller General determines, upon his own motion or upon written findings and recommendations made by the head of the department, agency, or independent establishment concerned, or his designee for that purpose, that such payment was not the result of bad faith or lack of due care on the part of such disbursing officer, the Comptroller General or his designee is authorized in his discretion to relieve such disbursing officer of accountability and responsibility, and allow credit in his official disbursing accounts, for such deficiency. Such relief may be denied in any case in which the Comptroller General or his designee determines that the department, agency, or independent establishment concerned has not diligently pursued collection action in accordance with procedures prescribed by the Comptroller General.

(b) Nothing contained in this section shall (1) affect the liability, or authorize the relief, of any payee, beneficiary, or recipient of any illegal, improper, or incorrect payment, or (2) relieve any such disbursing officer, the head of any department, agency, or establishment, or the Comptroller General of responsibility to pursue collection action against any such payee, beneficiary, or recipient. This section shall not deprive any such disbursing officer of any right which he otherwise may have to obtain relief by any other means with respect to any illegal, improper, or incorrect payment.

(c) Whenever it is necessary in the opinion of the Comptroller General to restore or otherwise adjust in the account of any disbursing officer any amount as to which relief is granted under this section, such amount, unless another appropriation is specifically provided therefor, shall be charged to the appropriation or fund available for the expense of the disbursing function at the time the adjustment is effected.

SEC. 2. (a) The act entitled "An act to authorize relief of disbursing officers of the Army on account of loss or deficiency of Government funds, vouchers, records, or papers in their charge," approved December 13, 1944

84TH CONGRESS
1ST SESSION

H. R. 7035

IN THE SENATE OF THE UNITED STATES

JULY 19, 1955

Read twice and referred to the Committee on Government Operations

AN ACT

To amend section 1 of the Act entitled “An Act to authorize relief of accountable officers of the Government, and for other purposes”, approved August 1, 1947 (61 Stat. 720).

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 1 of the Act entitled “An Act to authorize relief
4 of accountable officers of the Government, and for other
5 purposes”, approved August 1, 1947 (61 Stat. 720, 31

6 U. S. C. 82a-1), is hereby amended to read as follows:

7 “The General Accounting Office is authorized, after
8 consideration of the pertinent findings and if in concurrence
9 with the determinations and recommendations of the head of
10 the department or independent establishment concerned, to

1 relieve any disbursing or other accountable officer or agent
2 or former disbursing or other accountable officer or agent of
3 any such department or independent establishment of the
4 Government charged with responsibility on account of physi-
5 cal loss or deficiency of Government funds, vouchers, records,
6 checks, securities, or papers in his charge, or to authorize
7 the reimbursement, from any appropriation or fund available
8 for purposes of the activity in which the loss or deficiency
9 occurred, of amounts paid subsequent to August 1, 1947,
10 by or on behalf of the officer or agent in restitution of the
11 loss or deficiency, if the head of the department or independ-
12 ent establishment determines (1) that such loss or deficiency
13 occurred while such officer or agent was acting in the dis-
14 charge of his official duties, or that such loss or deficiency
15 occurred by reason of the act or omission of a subordinate
16 of such officer or agent; and (2) that such loss or deficiency
17 occurred without fault or negligence on the part of such
18 officer or agent. This Act shall be applicable only to the
19 actual physical loss or deficiency of Government funds,
20 vouchers, records, checks, securities, or papers, and shall
21 not include deficiencies in the accounts of such officers or
22 agents resulting from illegal or erroneous payments. When-
23 ever it is necessary in the opinion of the Comptroller Gen-
24 eral to restore or otherwise adjust the account of any dis-
25 bursing or accountable officer or agent or former disbursing

1 or other accountable officer for relief heretofore or hereafter
2 granted under this Act, the amount of such relief shall, unless
3 another appropriation is specifically provided therefor, be
4 charged to the appropriation or fund available for the ex-
5 pense of the disbursing or other accountable function at the
6 time the adjustment is effected.”

Passed the House of Representatives July 18, 1955.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To amend section 1 of the Act entitled "An Act to authorize relief of accountable officers of the Government, and for other purposes", approved August 1, 1947 (61 Stat. 720).

JULY 19, 1955

Read twice and referred to the Committee on
Government Operations

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued July 29, 1955

For actions of July 28, 1955

84th-1st, No. 128

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

CONTENTS

Accounting.....6	Farm Credit.....3	Monopolies.....47
Acreage allotments.....10	Farm income.....33	Nominations.....23
Appropriations.....5,29	Farm products.....48	Personnel....4,32,34,41,52
Buildings.....40	Farm program.....45	Property.....11
C.C.C.....1,2,26	Fees and charges.....8	Surplus.....36
Claims.....38	Foreign aid.....29	Records management.....12
Contracts.....40	Grains.....19,44,50	Retirement.....4
Cotton.....2,48	Health.....21	Rice.....10
Dairy industry.....49	Housing.....28,35	Roads.....18,39,43
Education.....37	Irrigation.....15	Strategic materials.....22
Employee bonding.....34	Labor, farm.....13,31,51	Sugar.....27
Executive pay.....4	Lands, reclamation.....15	Textiles.....9
Expenditures.....20	Legislative program..24,35	Trade agreements.....30
Extension work.....7	Livestock & meat.....42	Water compacts.....16
F.A.O.....17	Minerals.....14	Wheat.....19,50
Farm-City Week.....25	Minimum Wage.....13,31	Wildlife.....46

HIGHLIGHTS: Senate passed bill for loans to small reclamation projects. House and Senate committees reported bills to increase CCC borrowing authority by \$2 billion. Senate committee voted to report executive pay bill. Senate committee reported bill to permit sale of CCC cotton at market prices and farm credit bill. Both Houses agreed to conference report on mutual security appropriation bill. House Rules Committee cleared sugar and housing bills. House committee reported National Farm-City Week measure. Sen. Flanders recommended donation of wheat to China. Sen. Anderson inserted Asst. Secretary Butz' recent Miss. speech.

SENATE

1. CCC BORROWING POWER. The Agriculture and Forestry Committee reported without amendment S. 2604, to increase the CCC borrowing power from \$10 billion to \$12 billion (S. Rept. 1200)(p. 10138).
2. CCC COTTON. The Agriculture and Forestry Committee reported with amendment S. 2446, to permit sale of CCC stocks of cotton that are in excess supply for unrestricted use at current market prices (S. Rept. 1199)(p. 10138).
3. FARM CREDIT. The Agriculture and Forestry Committee reported with amendment H. R. 5168, to provide for retirement of the Government capital in certain institutions operating under supervision of FCA, and to increase borrower participation in the management and control of the Federal Farm Credit System (S. Rept. 1201)(p. 10138).

4. PERSONNEL. The Post Office and Civil Service Committee reported with amendment S. 2402, to increase annuities for retired employees (S. Rept. 1176)(p. 10137). During calendar call, the bill was passed over at the request of several Senators (p. 10198).
The Post Office and Civil Service Committee ordered reported (amended) S. 2628, to increase the pay of department heads and other major Federal officials (p. D804).
5. LEGISLATIVE APPROPRIATION BILL, 1956. The Appropriations Committee reported with amendments this bill, H. R. 7117, which includes items for GPO and the Library of Congress (S. Rept. 1181)(p. 10158).
6. ACCOUNTING. The Government Operations Committee reported without amendment H. R. 7034, which authorizes the Comptroller General to relieve a disbursing officer of accountability under certain circumstances (S. Rept. 1185), and H. R. 7035, to authorize the Comptroller General to reimburse funds to disbursing officers under certain conditions (S. Rept. 1186)(p. 10138). See Digest 115 for provisions of these bills.
7. EXTENSION WORK. The Government Operations Committee reported without amendment H. J. Res. 276, to authorize the Texas Hill Country Development Foundation to convey certain land to Kerr County, Tex. (S. Rept. 1187)(p. 10138).
8. FEES AND CHARGES. The Government Operations Committee reported with amendment S. Res. 140, relative to the establishment of uniform fees and charges by Government agencies for work or other things of value performed by them (S. Rept. 1184)(p. 10138).
9. TEXTILES. The Interstate and Foreign Commerce Committee reported without amendment S. 1455, to amend the Flammable Fabrics Act to exempt scarves which do not represent an unusual hazard (S. Rept. 1204)(p. 10138).
10. RICE ALLOTMENTS. The Agriculture and Forestry Committee reported with amendments S. 2511, to provide that no rice national acreage allotment shall be established which is less than 75% of the final allotment established for the immediately preceding year (S. Rept. 1218)(p. 10138).
11. PROPERTY. The Government Operations Committee reported with amendments S. 2591 to amend Sec. 602 of the Federal Property and Administrative Services Act with respect to utilization and disposal of excess and surplus property under the control of the executive agencies (S. Rept. 1183)(p. 10138).
12. RECORDS MANAGEMENT. The Government Operations Committee reported without amendment S. 2364, to amend the Federal Property and Administrative Services Act so as to give GSA additional control over records-management work of the executive departments and agencies (S. Rept. 1182)(p. 10138).
13. MINIMUM WAGE. Sen. Goldwater suggested that State enactment of minimum wage regulations would avoid the imposition of Federal control in this matter (pp. 10205-6).

AMENDING SECTION 1 OF THE ACT ENTITLED "AN ACT TO AUTHORIZE RELIEF OF ACCOUNTABLE OFFICERS OF THE GOVERNMENT, AND FOR OTHER PURPOSES," APPROVED AUGUST 1, 1947 (61 STAT. 720)

JULY 28, 1955.—Ordered to be printed

MR. McCLELLAN, from the Committee on Government Operations, submitted the following

R E P O R T

[To accompany H. R. 7035]

The Committee on Government Operations, to whom was referred the bill (H. R. 7035) to amend section 1 of the act entitled "An act to authorize relief of accountable officers of the Government, and for other purposes," approved August 1, 1947 (61 Stat. 720), having considered the same, report favorably thereon, without amendment and recommend that the bill do pass.

PURPOSE

This bill would empower the General Accounting Office to authorize reimbursement of any disbursing or other accountable officer of the Federal Government for payments made by him or in his behalf in restitution of a physical loss or deficiency in his accounts, if such loss or deficiency occurred without fault or negligence on his part, and such reimbursement is recommended by the department or agency head concerned. Reimbursement would be authorized from any appropriation or fund available for the purpose of the activity in which the loss or deficiency occurred. The bill is designed to amend existing law which permits relief of such an officer, in a proper case for an actual physical loss or deficiency, but which, according to a decision of the Comptroller General, fails to authorize the reimbursement of such officer if he has personally made restitution. It would also eliminate the need for the submission to the Congress of numerous private bills by which such officers are now reimbursed. In addition, the bill would vest authority in the Comptroller General to adjust and clear the accounts of disbursing and other accountable officers to whom relief has been granted.

BACKGROUND

Under the provisions of the act of August 1, 1947 (61 Stat. 720), the General Accounting Office, if it concurs with the determination of the department or agency head concerned, is authorized to relieve disbursing or other accountable officers charged with responsibility on account of physical loss or deficiency in funds, records, etc., if such loss or deficiency occurred while the officer was acting in the discharge of his official duties or by reason of an act or omission of a subordinate, and without fault or negligence on the part of such officer (31 U. S. C. 82a-1).

The Comptroller General is provided with similar authority with respect to Army disbursing officers by the act of December 13, 1944 (31 U. S. C. 95a), and with respect to Navy disbursing officers by the act of July 11, 1919 (31 U. S. C. 105). Each of these latter statutes, however, vests in the respective military service Secretary authority to determine whether such loss occurred in the line of duty and without fault or negligence on the part of such officer and makes such determination conclusive upon the General Accounting Office.

It appears that in a large number of instances, accountable officers, in whose accounts deficiencies appeared, made restitution to their accounts out of their own pockets to cover deficiencies resulting from counterfeit banknotes, bad checks, petty thefts by subordinates and other physical losses, although they were not themselves personally or officially at fault, and were otherwise entitled to relief from responsibility under the provisions of this act.

In 1947, shortly after the enactment of the act of August 1, 1947, an accountable officer who had personally covered a shortage in his official accounts applied to the General Accounting Office, through his own agency head, for relief under the provisions of the act. In a decision rendered on January 27, 1948 (B-71073), the Comptroller General held that, although the act authorized relief of responsibility on account of a deficiency in Government funds in a proper case, once restitution was made by or on behalf of the accountable officer no deficiency existed in the account for which relief under the act can be granted, nor was there any appropriation available from which reimbursement could be made (27 Comp. Gen. 404).

Following this decision, and several later pronouncements of the Comptroller General to the same effect in subsequent cases submitted to him, it became necessary to submit private bills to the Congress in order to obtain reimbursement. For the most part, the amounts of money involved have been small, ranging between \$10 and \$100.

In 1954, in a case involving a \$20 restitution by an employee of the Housing and Home Finance Agency, arising out of the acceptance by the employee of a \$20 counterfeit banknote, the Administrator requested the Comptroller General to reconsider his decision of January 27, 1948 (27 Comp. Gen. 404). It was pointed out that an interpretation of the relief statute (Public Law 321, 80th Cong.) "which renders it inapplicable solely because the accountable officer has made payment seems to defeat the purpose of the act and tends to penalize accountable officers who manifest good faith by putting their accounts in balance pending the determination of the question of relief."

In a decision (B-121557), dated November 5, 1954, the Comptroller General reaffirmed his earlier decision that the act of August 1, 1947, does not apply in such cases. Concerning the effect of this interpretation on accountable officers who have acted in good faith, the Comptroller General stated:

This Office has recognized that inequities would arise as a result of such interpretation of the relief act involved and the matter has been thoroughly considered, not only at the time the decision referred to above was rendered but also in a number of subsequent decisions involving the application of that act. * * * It is the view of this Office that the act is open to no other construction and that any inequities which arise from such construction are for the consideration of the Congress. Consequently, this Office has, in proper cases, favorably reported on several private relief measures * * *.

COMMITTEE ACTION

1. Action on original Senate bill

The committee originally had before it a Senate bill, S. 1806, introduced at the request of the Administrator of the Housing and Home Finance Agency. The Comptroller General and the Treasury Department proposed several amendments to that bill, designed to clarify the application of its provisions and to provide legal authority for the clearance of accounts of officers to whom relief is granted. Following a conference between the committee staff and representatives of the Legislative Counsel of the Senate, the Comptroller General, the Treasury Department, and the Bureau of the Budget, appropriate amendments were drafted, as follows:

(a) *Clarifying amendments.*—Although S. 1806, as originally introduced, provided for reimbursement, in a proper case, of accountable officers who personally made restitution of physical losses in their accounts, the Comptroller General pointed out that some doubt existed as to whether the language of the bill would authorize the reimbursement of persons other than accountable officers who made restitution on behalf of such officers. This would include estates, sureties, etc. Accordingly, he proposed that specific authority be included in the bill to authorize reimbursement of such persons. He pointed out further that some clarification was required with respect to the authorization of reimbursement of amounts paid before, as well as those paid subsequent to, the enactment of the bill. It was ultimately agreed that reimbursement should date back to losses occurring on or after the effective date of the original act, i. e., August 1, 1947.

(b) *Authority for clearance of accounts.*—Although under existing law, the General Accounting Office has authority, in a proper case, to grant relief to accountable officers with losses or deficiencies in their accounts, the amount of money involved continues to be reflected as a deficiency in the account of such officer, even though he has been relieved of responsibility. It appears that such deficiency can only be cleared by specific appropriations or by specific statutory authority to clear the account. At present, there is no such authority, although, in some instances, the Congress has made specific appropriations to enable such accounts to be cleared. The Comptroller General and the Treasury Department requested permanent and continuing authority, in the interest of sound accounting practice, to enable the clearance of such accounts. Accordingly, the committee

agreed to the addition of the language necessary to accomplish this objective.

2. *Action on the House bill, H. R. 7035*

Following the completion of preliminary action on S. 1806, as indicated above, a copy of the bill with proposed amendments was made available to the House Committee on Government Operations which proceeded to report favorably a clean bill, H. R. 7035, on June 29, 1955 (H. Rept. 997). This bill, which embodies the major amendments agreed to by this committee, passed the House of Representatives on July 18, 1955.

In view of the fact that the House of Representatives has already taken final action on H. R. 7035, the committee substituted that bill for S. 1806, as amended, with a view to expediting action thereon.

CONCLUSIONS

The enactment of this bill will result in the removal of existing inequities, the elimination of the need for the submission to the Congress of large numbers of private bills, and the improvement of Government accounting practices. It has the approval of the Director of the Bureau of the Budget as well as other agencies and departments of the Government, and its favorable consideration is strongly urged by the Comptroller General and the Treasury Department which were instrumental in drafting and submitting the measure. It is largely technical in nature and is not expected to entail any additional cost to the Government. Furthermore, it may result in some economy by eliminating the costly agency staff work required in connection with the submission of private relief bills.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of the rule XXIX of the Standing Rules of the Senate, changes in existing law made by this bill are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 1 OF THE ACT OF AUGUST 1, 1947

(61 Stat. 720, 31 U. S. C. 82a-1)

The General Accounting Office is authorized, after consideration of the pertinent findings and if in concurrence with the determinations and recommendations of the head of the department or independent establishment concerned, to relieve any disbursing or other accountable officer or agent or former disbursing or other accountable officer or agent of any such department or independent establishment of the Government charged with responsibility on account of physical loss or deficiency of Government funds, vouchers, records, checks, securities, or papers in his charge, *or to authorize the reimbursement, from any appropriation or fund available for purposes of the activity in which the loss or deficiency occurred, of amounts paid subsequent to August 1, 1947, by or on behalf of the officer or agent in restitution of the loss or deficiency,* if the head of the department or independent establishment determines (1) that such loss or deficiency occurred while such officer or agent was acting in the discharge of his official duties, or that such loss or deficiency occurred by reason of the act or omission of a subordinate of such officer or agent; and (2) that such loss or deficiency occurred without fault or negligence on the part of such officer or agent. This Act shall be applicable only to the actual physical loss or deficiency of Government funds, vouchers,

records, checks, securities, or papers, and shall not include deficiencies in the accounts of such officers or agents resulting from illegal or erroneous payments. *Whenever it is necessary in the opinion of the Comptroller General to restore or otherwise adjust the account of any disbursing or accountable officer or agent or former disbursing or other accountable officer for relief heretofore or hereafter granted under this act, the amount of such relief shall, unless another appropriation is specifically provided therefor, be charged to the appropriation or fund available for the expense of the disbursing or other accountable function at the time the adjustment is effected.*



Calendar No. 1202

84TH CONGRESS
1ST SESSION

H. R. 7035

[Report No. 1186]

IN THE SENATE OF THE UNITED STATES

JULY 19, 1955

Read twice and referred to the Committee on Government Operations

JULY 28, 1955

Reported by Mr. McCLELLAN, without amendment

AN ACT

To amend section 1 of the Act entitled “An Act to authorize relief of accountable officers of the Government, and for other purposes”, approved August 1, 1947 (61 Stat. 720).

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 1 of the Act entitled “An Act to authorize relief
4 of accountable officers of the Government, and for other
5 purposes”, approved August 1, 1947 (61 Stat. 720, 31
6 U. S. C. 82a-1), is hereby amended to read as follows:

7 “The General Accounting Office is authorized, after
8 consideration of the pertinent findings and if in concurrence
9 with the determinations and recommendations of the head of
10 the department or independent establishment concerned, to

1 relieve any disbursing or other accountable officer or agent
2 or former disbursing or other accountable officer or agent of
3 any such department or independent establishment of the
4 Government charged with responsibility on account of physi-
5 cal loss or deficiency of Government funds, vouchers, records,
6 checks, securities, or papers in his charge, or to authorize
7 the reimbursement, from any appropriation or fund available
8 for purposes of the activity in which the loss or deficiency
9 occurred, of amounts paid subsequent to August 1, 1947,
10 by or on behalf of the officer or agent in restitution of the
11 loss or deficiency, if the head of the department or independ-
12 ent establishment determines (1) that such loss or deficiency
13 occurred while such officer or agent was acting in the dis-
14 charge of his official duties, or that such loss or deficiency
15 occurred by reason of the act or omission of a subordinate
16 of such officer or agent; and (2) that such loss or deficiency
17 occurred without fault or negligence on the part of such
18 officer or agent. This Act shall be applicable only to the
19 actual physical loss or deficiency of Government funds,
20 vouchers, records, checks, securities, or papers, and shall
21 not include deficiencies in the accounts of such officers or
22 agents resulting from illegal or erroneous payments. When-
23 ever it is necessary in the opinion of the Comptroller Gen-
24 eral to restore or otherwise adjust the account of any dis-
25 bursing or accountable officer or agent or former disbursing

1 or other accountable officer for relief heretofore or hereafter
2 granted under this Act, the amount of such relief shall, unless
3 another appropriation is specifically provided therefor, be
4 charged to the appropriation or fund available for the ex-
5 pense of the disbursing or other accountable function at the
6 time the adjustment is effected.”

Passed the House of Representatives July 18, 1955.

Attest:

RALPH R. ROBERTS,

Clerk.

[Report No. 1186]

AN ACT

To amend section 1 of the Act entitled "An Act to authorize relief of accountable officers of the Government, and for other purposes", approved August 1, 1947 (61 Stat. 720).

JULY 19, 1955

Read twice and referred to the Committee on
Government Operations

JULY 28, 1955

Reported without amendment

S. 1894, International Finance Corp.; S. 890, water pollution; and possibly S. 2237, flammable fabrics. He said there would not be another call of the Consent Calendar. The Speaker said no bill will be considered Mon. which has not been passed by the Senate, and Rep. Martin agreed with this position. (pp. 10671-2.)

SENATE -- July 30

78. ACCOUNTING. Passed without amendment H. R. 7034, which authorizes the Comptroller General to relieve accountable officers of accountability under certain circumstances, and H. R. 7035, which authorizes the Comptroller General to reimburse disbursing officers under certain conditions (pp. 10713-4). These bills will now be sent to the President. For provisions of bills, see Digest 115.
79. EXTENSION WORK. Passed without amendment H. J. Res. 276, to authorize the Texas Hill Country Development Foundation to convey certain land to Kerr County, Tex. (p. 10714). This measure will now be sent to the President.
80. FLOOD CONTROL. Passed without amendment H. R. 6066, authorizing modification of the project for flood protection on the San Joaquin River and tributaries, Calif. (p. 10714). This bill will now be sent to the President.
81. PROPERTY; TAXATION. Passed with amendment H. R. 6182, to amend the Federal Property and Administrative Services Act so as to make temporary provision for payments in lieu of taxes with respect to certain real property transferred by RFC to other Government departments (pp. 10780-1).
Passed as reported S. 2591, to amend the Federal Property and Administrative Services Act so as to provide that GSA shall exercise the authority vested in it with respect to the utilization and disposal of all excess and surplus property, real and personal, which is under the control of any executive agency, without regard to any other law, except that this provision shall not apply to any executive agency in connection with disposal of property under its control when such disposal is made as specifically authorized by law in a particular manner, to a particular class of persons, or for particular program purposes (such as CCC operations) (p. 10713).
82. RECORDS MANAGEMENT. Passed as reported S. 2364, to amend the Federal Property and Administrative Services Act so as to give GSA additional authority over records-management work of the executive departments and agencies (p. 10713).
83. PERSONNEL. Passed without amendment H. R. 6590, to prohibit employment by the Government of persons who are disloyal or who participate in or assert the right to strike against the Government (p. 10782). This bill will now be sent to the President.
At the request of Sen. Bible, passed over S. 2628, the executive pay bill (p. 10782).
84. FLAMMABLE FABRICS. Passed without amendment S. 1455, to amend the Flammable Fabrics Act so as to exempt scarves which do not present an unusual hazard (p. 10788).
85. RICE. Passed as reported S. 2511 (see item 62 above) (p. 10717).
86. FEES AND CHARGES. S. Res. 140, relating to establishment of uniform fees and charges by Government agencies, was referred to the Rules and Administration Committee (p. 10713).

Senate, July 30, 1955

87. FARM CREDIT. Passed as reported H. R. 5168, to provide for retirement of Government capital in certain institutions operated under supervision of FCA, and to increase borrower participation in the management and control of the Federal Farm Credit System (pp. 10722-32). Rejected, 9 to 80, a Williams amendment regarding application of assets on liquidation or dissolution of banks for cooperatives (pp. 10728-32).
88. WATER COMPACT. Concurred in the House amendments to S. 2260, consenting to a compact among Ark., La., Okla., and Tex. for an apportionment of the waters of the Red River and its tributaries (p. 10735). This bill will now be sent to the President.
89. MINING; PUBLIC LANDS. Passed with amendment H. R. 6994, to provide for entry and location, on discovery of a valuable source material, upon public lands classified as or known to be valuable for coal, etc. (pp. 10782-4).
90. FOOD AND AGRICULTURE ORGANIZATION. Began debate on S. J. Res. 97, to increase the limitation on the U. S. contribution to FAO from \$2 million to \$3 million annually (pp. 10792-6). Pending is an Ellender amendment to limit U. S. increases to the average percentage by which contributions of other countries are increased.
91. RECLAMATION. Passed without amendment H. R. 4663, to authorize the Trinity River division, Central Valley project, Calif. (pp. 10796-802). This bill will now be sent to the President.
Sen. Watkins inserted his statement and various exhibits favoring the proposed upper Colo. River project (pp. 10699-705).
92. HOUSING. Received a report by the Banking and Currency Committee on its study of Federal housing programs (S. Rept. 1281) (p. 10680).
93. ADJOURNED until Mon., Aug. 1 (p. 10809).

ITEM IN APPENDIX - July 30

94. ROADS. Extension of remarks of Rep. Mack, Wash., favoring the President's road program (p. A5642).

BILLS INTRODUCED - July 30

95. WHEAT TARIFF. H. R. 7750, by Rep. Bentley, to amend the Tariff Act to apply the same duty to wheat unfit for human consumption as applies to all other wheat; to Ways and Means Committee (p. 10677).
96. PERSONNEL. H. R. 7760, by Rep. Gubser, to provide for rates of pay for Federal personnel in appropriate relationship to local prevailing rates; to Post Office and Civil Service Committee (p. 10677).
97. FOOD ADDITIVES. H. R. 7764, by Rep. O'Hara, Minn., to prohibit new food additives which have not been adequately pretested to establish their safe use; to Interstate and Foreign Commerce Committee (p. 10677).
98. SOIL CONSERVATION. H. R. 7769, by Del. Farrington, to extend the Watershed and Flood Prevention Act to Alaska, Hawaii, and Puerto Rico; to Agriculture Committee (p. 10677).
99. COTTON. S. 2702, by Sen. Thurmond (for himself and 60 others), to encourage the

disbursing officers, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF ACCOUNTABLE OFFICERS OF THE GOVERNMENT

The bill (H. R. 7035) to amend section 1 of the act entitled "An act to authorize relief of accountable officers of the Government, and for other purposes," approved August 1, 1947 (61 Stat. 720), was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF CERTAIN LAND TO KERR COUNTY, TEX.

The joint resolution (H. J. Res. 276) to authorize the Texas Hill Country Development Foundation to convey certain land to Kerr County, Tex., was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF PORTION OF FORMER O'REILLY GENERAL HOSPITAL, SPRINGFIELD, MO.

The bill (H. R. 482) to provide for the conveyance of a portion of the former O'Reilly General Hospital, Springfield, Mo., to the State of Missouri, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

ACCEPTANCE AND MAINTENANCE OF PRESIDENTIAL LIBRARIES

The Senate proceeded to consider joint resolution (H. J. Res. 330) to provide for the acceptance and maintenance of Presidential libraries, and for other purposes, which had been reported from the Committee on Government Operations, with amendments, on page 2, line 10, after the word "subsection", to strike out "(g)" and insert "(h)"; and in line 12, after the word "new", to strike out "subsections" and insert "(subsection)."

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was ordered to a third reading, read the third time, and passed.

IMPROVEMENT OF ROCKLAND HARBOR, MAINE

The Senate proceeded to consider the bill (S. 1749) adopting and authorizing the improvement of Rockland Harbor, Maine, which had been reported from the Committee on Public Works, with amendments, to strike out all after the enacting clause and insert:

That the modification of the project for improvement of Rockland Harbor, Maine, is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers contained in Senate Document No. 82, 84th Congress, 1st session, at an estimated cost of \$710,000, and subject to the conditions set forth therein, the work

to be prosecuted under the direction of the Secretary of the Army and the supervision of the Chief of Engineers.

SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WATER FOR MUNICIPAL WATER SUPPLIES

The Senate proceeded to consider the bill (S. 2374) to authorize the Secretary of the Army to enter into contracts to furnish water for municipal water supplies from flood-control and river and harbor projects, which had been reported from the Committee on Public Works, with amendments, on page 1, line 8, after the word "contract", to strike out "either (1)"; on page 2, line 2, after the word "interest", to strike out "not exceeding the rate of 3½ percent per annum if the Secretary determines an interest charge to be proper, of an appropriate share as determined by the Secretary" and insert "at a rate equal to the current average rate (which rate shall be certified by the Secretary of the Treasury) paid by the United States on its marketable long-term (15 years or longer) loans outstanding"; at the beginning of line 10, to strike out "him" and insert "the Secretary"; and in the same line, after the word "supply", to strike out "or (2) shall be for such periods, not to exceed 40 years, and at such rates as in the Secretary's judgment will produce revenues at least sufficient to cover" and insert "together with"; in line 14, after the word "cost", to strike out "and an appropriate share of such fixed charges as the Secretary deems proper,"; and in line 16, after the word "payment", to strike out "of such rates each year", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Army (hereinafter referred to as the Secretary) may, in the operation of any flood-control or river and harbor project heretofore or hereafter constructed, enter into contracts to furnish water for municipal water supplies, including water for domestic and industrial uses. Any such contract shall require repayment to the United States over a period of not to exceed 40 years from the year in which water is first delivered for the use of the contracting party, with interest at a rate equal to the current average rate (which rate shall be certified by the Secretary of the Treasury) paid by the United States on its marketable long-term (15 years or longer) loans outstanding, of that part of the construction costs allocated by the Secretary to municipal water supply, together with an appropriate share of the annual operation and maintenance cost, and shall require the payment in advance of delivery of water for such years.

SEC. 2. No such contract shall be entered into if it will interfere with the flood-control or navigation-improvement purposes of any such project.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MODIFICATION OF PROJECT FOR FLOOD PROTECTION ON THE SAN JOAQUIN RIVER, CALIF.

The bill (H. R. 6066) authorizing modification of the project for flood protection on the San Joaquin River and tributaries, California, was considered, ordered to a third reading, read the third time, and passed.

CONSTRUCTION OF BRIDGE ACROSS THE MISSISSIPPI RIVER NEAR FRIAR POINT, MISS., AND HELENA, ARK.

The bill (H. R. 6417) to revive and reenact the act authorizing the Arkansas-Mississippi Bridge Commission, its public successors or public assigns to construct, maintain, and operate a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark., approved May 17, 1939 was considered, ordered to a third reading, read the third time, and passed.

Mr. CASE of South Dakota subsequently said: Mr. President, I wish to state that Calendar No. 1209, H. R. 6417, is the House-passed bill to which on yesterday I proposed an amendment which might be offered, which would make a start toward accelerating the program for the interstate road program.

It was not my intention, of course, in any way to delay passage of the bill, but I desired to point out that by a simple amendment to the existing 1954 highway act, the construction of the Interstate System could be accelerated. I asked that that amendment be printed on yesterday for the information of Senators in connection with a statement which I made. That made it possible to confer with the responsible parties in the House of Representatives as to whether or not if the Senate did attach such an amendment to the bill the House would take it up for a separate vote, in the House.

I wish to report, as a matter of record, that I did confer with responsible Members in the House of Representatives, including members of the Public Works Committee. I was advised that because of the situation which developed there following their action on the bill reported by the committee, the House would not entertain a request for a separate vote on the amendment at this time. Therefore, I see no purpose in pressing for the amendment in the Senate.

Mr. President, I ask unanimous consent that the amendment which on yesterday I asked to have printed for the information of Senators, be printed as a part of my remarks at this point in the RECORD today.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the end of the bill, add the following new section:

"SEC. 3. (a) The first sentence of section 2 (a) of the Federal-Aid Highway Act of 1954 (relating to the appropriation authorizations for the National System of Interstate High-

REQUIREMENT THAT CONFERENCE REPORTS BE ACCOMPANIED BY STATEMENTS — RESOLUTION PASSED OVER

The concurrent resolution (S. Con. Res. 36) requiring conference reports to be accompanied by statements signed by a majority of the managers of each House, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

Mr. ERVIN. Mr. President, I ask that the concurrent resolution go over, on the ground that it is not properly calendar business.

Mr. KNOWLAND. I wonder whether the Senator will withhold his objection.

Mr. ERVIN. I do.

Mr. KNOWLAND. An identical resolution was passed by the Senate on two occasions. It had been submitted jointly by the minority leader and by the former chairman of the Committee on Rules and Administration, the Senator from Arizona [Mr. HAYDEN]. It had bipartisan sponsorship. All the concurrent resolution seeks to do is to provide that Senate conferees shall be permitted to submit statements setting forth their views on conference reports. At the present time only the managers on the part of the House do so. As a result of that practice we have encountered some difficulties in the past. We feel that the Senate conferees should have an opportunity to submit their views on conference reports. So far as I know, the resolution was reported without opposition by the Committee on Rules and Administration. It was sponsored by both the majority and minority members of the committee.

Mr. ERVIN. Mr. President, I ask that the concurrent resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

The bill (S. 2591) to amend section 602 of the Federal Property and Administrative Services Act of 1949, with respect to the utilization and disposal of excess and surplus property under the control of the executive agencies was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Government Operations with amendments on page 2, line 14, after the word "or", to strike out "inplace"; in line 16, after the word "rights-of-way", to strike out "to power distributors"; and on page 3, line 11, after the word "interest", to strike out "Each such proposed Executive order shall be published in the Federal Register not less than 30 days prior to the issuance thereof. The President shall submit a report to the Congress in January of each year to and including

the year 1960 of all Executive orders issued hereunder during the preceding calendar year and the reasons therefor", so as to make the bill read:

Be it enacted, etc., That section 602 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 399, 40 U. S. C. 474), as amended, is hereby amended by adding at the end thereof a new subsection to read as follows:

"(g) (1) Notwithstanding the provisions of subsection (d) of this section or of any law other than this act, the Administrator shall exercise the authority vested in him by this act with respect to the utilization and disposal of all excess and surplus property, real and personal, which is under the control of any executive agency, except that nothing in this act shall impair or affect any authority of—

"(A) any executive agency to dispose of property under its control when such disposal is made as specifically authorized by law in a particular manner, to a particular class or classes of persons, or for particular purposes, as part of or in furtherance of program activities of such agency, including, but not limited to, disposal by the Department of Agriculture of agricultural commodities acquired under price support or other agricultural assistance programs, and disposal by the Tennessee Valley Authority of reservoir lands, or power equipment facilities with appurtenant rights-of-way, and of other property similarly disposed of by such Authority in connection with its program activities, but the agency carrying out such program shall, to the maximum extent practicable consistent with the fulfillment of the purposes of the program and the effective and efficient conduct of its business, coordinate its operations with the requirements of this act and the policies and regulations prescribed pursuant thereto; or

"(B) the Joint Committee on Printing under the act entitled 'An act providing for the public printing and binding and the distribution of public documents', approved January 12, 1895 (58 Stat. 601), as amended, or any other act.

"(2) The President may by Executive order make such specific exemptions from the exercise by the Administrator of General Services of his authority under this subsection with respect to the utilization and disposal of excess and surplus property as the President deems to be necessary in the public interest.

SEC. 2. This act shall become effective 90 days after its enactment.

Mr. HILL. I should like to ask a question of one of the sponsors of the bill, the Senator from Iowa [Mr. MARTIN], who has just entered the Chamber. Would the bill, in its present form, preclude the Tennessee Valley Authority from disposing of sand, gravel, vehicles, or other construction equipment or materials?

Mr. MARTIN of Iowa. The general exemption written into the bill by the subcommittee would cover that type of vehicle, equipment, or material if the disposal of it is essential to a statutory program of the Tennessee Valley Authority, including construction equipment or materials. If the method of disposal is of no consequence or significance in the TVA program in question, of course, the GSA would handle the disposal.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSAL OF EXCESS SURPLUS PROPERTY

The Senate proceeded to consider the bill (S. 2364) to amend section 602 of the Federal Property and Administrative Services Act of 1949, with respect to the utilization and disposal of excess and surplus property under the control of executive agencies, which had been reported from the Committee on Government Operations, with amendments, as follows:

Be it enacted, etc., That the Federal Property and Administrative Services Act of 1949, as amended, is hereby further amended by inserting a comma after the word "shall" in the first line of section 505 (a), and adding the following: "with due regard to the program activities of the agencies concerned, prescribe the policies and principles to be followed by Federal agencies in the conduct of their records management programs, and."

SEC. 2. The Federal Property and Administrative Services Act of 1949 is hereby further amended as follows:

(a) By designating paragraphs (2) and (3) of subsection (a) of section 507 as paragraphs (3) and (4) and adding a new paragraph (2) to read as follows:

"(2) to direct and effect the transfer to the National Archives of the United States of any records of any Federal agency that have been in existence for more than 50 years and that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, unless the head of the agency which has custody of them shall certify in writing to the Administrator that they must be retained in his custody for use in the conduct of the regular current business of the said agency."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTABLISHMENT OF UNIFORM FEES BY GOVERNMENT AGENCIES—RESOLUTION REFERRED TO COMMITTEE ON RULES AND ADMINISTRATION

The resolution (S. Res. 140) relative to the establishment of uniform fees and charges by Government agencies for work or other things of value performed by them was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the resolution be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF CERTAIN DISBURSING OFFICERS

The bill (H. R. 7034) to provide permanent authority for the relief of certain

Public Law 334 - 84th Congress
Chapter 694 - 1st Session
H. R. 7035

AN ACT

All 69 Stat. 626.

To amend section 1 of the Act entitled "An Act to authorize relief of accountable officers of the Government, and for other purposes", approved August 1, 1947 (61 Stat. 720).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to authorize relief of accountable officers of the Government, and for other purposes", approved August 1, 1947 (61 Stat. 720, 31 U. S. C. 82a-1), is hereby amended to read as follows:

Disbursing
officers, etc.
Relief.

"The General Accounting Office is authorized, after consideration of the pertinent findings and if in concurrence with the determinations and recommendations of the head of the department or independent establishment concerned, to relieve any disbursing or other accountable officer or agent or former disbursing or other accountable officer or agent of any such department or independent establishment of the Government charged with responsibility on account of physical loss or deficiency of Government funds, vouchers, records, checks, securities, or papers in his charge, or to authorize the reimbursement, from any appropriation or fund available for purposes of the activity in which the loss or deficiency occurred, of amounts paid subsequent to August 1, 1947, by or on behalf of the officer or agent in restitution of the loss or deficiency, if the head of the department or independent establishment determines (1) that such loss or deficiency occurred while such officer or agent was acting in the discharge of his official duties, or that such loss or deficiency occurred by reason of the act or omission of a subordinate of such officer or agent; and (2) that such loss or deficiency occurred without fault or negligence on the part of such officer or agent. This Act shall be applicable only to the actual physical loss or deficiency of Government funds, vouchers, records, checks, securities, or papers, and shall not include deficiencies in the accounts of such officers or agents resulting from illegal or erroneous payments. Whenever it is necessary in the opinion of the Comptroller General to restore or otherwise adjust the account of any disbursing or accountable officer or agent or former disbursing or other accountable officer for relief heretofore or hereafter granted under this Act, the amount of such relief shall, unless another appropriation is specifically provided therefor, be charged to the appropriation or fund available for the expense of the disbursing or other accountable function at the time the adjustment is effected."

Approved August 9, 1955.

